



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Mayra Ochiqui, City Clerk

SUBJECT: Consideration and possible action to adopt Resolution No. 16-XX – A Resolution reciting the fact of the Special Municipal Election consolidated with the General Election held on November 8, 2016, declaring the result and such other matters as provided by law.

DATE: December 12, 2016

EXECUTIVE SUMMARY

Resolution No. 16-XX recites the facts of the November 8, 2016, Special Municipal Election regarding ballot measures for the City of Bellflower: Measure D (relating to by-district elections) and Measure W (relating to the Sale of the Bellflower Municipal Water System).

RECOMMENDATION TO CITY COUNCIL

- 1) Adopt Resolution No. 16-XX; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None.

BACKGROUND

A Special Municipal Election was held and conducted in the City of Bellflower, California, on Tuesday, November 8, 2016, as required by law. Notice of the election was given in time, form, and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received, and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities.

The County Election Department canvassed the returns of the election and has certified the results to this City Council. The results are attached as “Exhibit C” to the Resolution.

ATTACHMENT

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CITY OF BELLFLOWER

RESOLUTION NO. 16-XX

A RESOLUTION RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION CONSOLIDATED WITH THE GENERAL ELECTION HELD ON NOVEMBER 8, 2016, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The whole number of ballots cast in the precincts was 16,442; the whole number of Vote by Mail voter ballots cast in the City was 7,004; making a total of 23,454 ballots cast in the City (34,781 Registered Voters; 67.4% Voter Turnout with 30% of those voting being Vote by Mail voters).

SECTION 2. Measure D [Ordinance No. 1302, attached hereto as Exhibit "A"] and Measure W [attached hereto as Exhibit "B"] voted upon at the election are as follows:

Measure D

Shall Members of the City Council of the City of Bellflower be elected by-districts described in Ordinance No. 1302 instead of at-large?	YES
	NO

Measure W

Shall the proposition by the City of Bellflower to sell the Bellflower Municipal Water System to California-American Water Company be adopted?	YES
	NO

SECTION 3. In accordance with Election Code § 10262, the City Clerk certified the results to the City Council. These results are attached as Exhibit "C" and incorporated by reference. The number of votes given at each precinct and the number of votes given in the City for and against Measure D and Measure W were as listed in attached Exhibit C.

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Resolution No. 16-XX
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SECTION 4. The City Council does declare and determine that as a result of the election, a majority of the voters voting on Measure D (relating to by-district elections) and Measure W (relating to the Sale of the Bellflower Municipal Water System) voted in favor of the measures; Measure D and Measure W carried; and both measures are adopted.

SECTION 5. The City Clerk will enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The measures voted upon; (3) The number of votes given at each precinct for and against each measure; and (4) The total number of votes given for and against each measure.

SECTION 6. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 7. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER ON THIS _____ DAY OF _____ 2016.

Dan Koops, Mayor

Attest:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Attachments:

Exhibit "A" - Ordinance No. 1302, Measure D

Exhibit "B" - Full Ballot Measure Text, Measure W

Exhibit "C" – City Clerk’s Certification of the Canvass of Election Return and Official Statement of Votes Cast

Full Text of Ballot Measure – Measure D

Ordinance No. 1302 – Exhibit A

(immediately following this page)

**EXHIBIT A
FULL TEXT OF THE BALLOT MEASURE**

**CITY OF BELLFLOWER
ORDINANCE NO. 1302**

**AN ORDINANCE OF THE CITY OF BELLFLOWER AMENDING
CHAPTER 2.28 OF THE BELLFLOWER MUNICIPAL CODE BY
ADDING SECTIONS 2.28.020, 2.28.030, AND 2.28.040 CHANGING
THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-
DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY
COUNCIL MEMBERS, ESTABLISHING DISTRICT BOUNDARIES,
AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS**

WHEREAS, the City of Bellflower supports the full participation of all residents in electing Members of the City Council; and

WHEREAS, the City of Bellflower currently elects its five City Council Members using an at-large election system; and

WHEREAS, some members of the public believe adopting a by-district electoral system for the Bellflower City Council would better promote the full participation of all residents in electing Members of the City Council; and

WHEREAS, in the at-large election system, candidates may reside in any part of the City and each City Council Member is elected by the voters of the entire City; and

WHEREAS, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, under the provisions of California Government Code sections 34870-34884, a proposal to adopt a by-district method of election in a general law city must be submitted to the voters of the City along with the proposed boundaries of the districts; and

WHEREAS, under the provisions of California Elections Code section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal; and

WHEREAS, the City Council held public hearings on the proposal to establish district boundaries on August 24, 2015, September 14, 2015, September 28, 2015, and October 12, 2015, at which it considered the proposal to establish district boundaries; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code sections 34870-34884, an ordinance providing for the election of the Members of the City Council of the City of Bellflower by-district in five single-member districts as reflected in Exhibit 1 to this Ordinance.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF BELLFLOWER DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.28 of the Bellflower Municipal Code is hereby amended by adding Sections 2.28.020 through 2.28.040 to read as follows:

Section 2.28.020. By-District Electoral System.

- A. Pursuant to California Government Code section 34871(a), Members of the City Council of the City of Bellflower shall be elected by-districts in five (5) single-member districts.
- B.
 - (1) Beginning with the general municipal election in March 2019, Members of the City Council shall be elected in the electoral districts established by Section 2.28.030 and subsequently reapportioned as provided by State law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one Member of the City Council shall be elected from each district, by the voters of that district alone. Each Member of the City Council shall serve a four-year term until his or her successor is qualified.
 - (2) Except as provided in subdivision (3) hereof, the Council Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued. Termination of residency in a district by a Council Member shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.
 - (3) Notwithstanding any other provision of this section, the Members of the City Council in office at the time the Ordinance codified in this chapter takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. At the end of the term of each Council Member that Member's successor shall be elected on a by-district basis in the districts established in Section 2.28.030 and as provided in Section 2.28.040.

Section 2.28.030. Establishment of City Council Electoral Districts.

- A. Subject to Section 2.28.040, Members of the City Council shall be elected on a "by-district" basis from the Council districts described as follows:
- (1) Council District 1 shall comprise all that portion of the City beginning at the intersection of Somerset Blvd. and the City's western border, thence proceeding easterly along Somerset Blvd. to Cabell Ave.; thence proceeding northeasterly along Cabell Ave. to Potter St.; thence proceeding southeasterly and easterly along Potter St. to Cornuta Ave.; thence proceeding northerly along Cornuta Ave. to Lindale St.; thence proceeding easterly along Lindale St. to Woodruff Ave.; thence proceeding northerly along Woodruff Ave. to Rosecrans Ave.; thence proceeding easterly along Rosecrans Ave. to the City's eastern border; thence proceeding counter-clockwise along the City border to the point of beginning.
 - (2) Council District 2 shall comprise all that portion of the City beginning at the intersection of Somerset Blvd. and Bellflower Blvd., thence proceeding easterly along Somerset Blvd. to Cabell Ave.; thence proceeding northeasterly along Cabell Ave. to Potter St.; thence proceeding southeasterly and easterly along Potter St. to Cornuta Ave.; thence proceeding northerly along Cornuta Ave. to Lindale St.; thence proceeding easterly along Lindale St. to Woodruff Ave.; thence proceeding northerly along Woodruff Ave. to Rosecrans Ave.; thence proceeding easterly along Rosecrans Ave. to the City's eastern border; thence proceeding clockwise along the City border to Highway 91; thence proceeding westerly along Highway 91 to the Bellflower Bike Trail; thence proceeding northwesterly along the Bellflower Bike Trail to Cornuta Ave.; thence proceeding northerly along Cornuta Ave. to the north edge of parcel APN 7109003051 (16331 Cornuta Ave.); thence proceeding westerly along the north edge of parcel APN 7109003051 and parcel APN 7109003013 (16326 Eucalyptus Ave.) to Eucalyptus Ave.; thence proceeding northerly along Eucalyptus Ave. to Alondra Blvd.; thence proceeding westerly along Alondra Blvd. to Bellflower Blvd.; thence proceeding northerly along Bellflower Blvd. to the point of beginning.
 - (3) Council District 3 shall comprise all that portion of the City beginning at the intersection of Somerset Blvd. and the City's western border, thence proceeding easterly along Somerset Blvd. to Bellflower Blvd.; thence proceeding southerly along Bellflower Blvd. to Flower St.; thence proceeding westerly along Flower St. to Clark Ave.; thence proceeding southerly along Clark Ave. to Walnut St.; thence proceeding westerly along Walnut St. to the City border; thence proceeding clockwise along the City border to the point of beginning.

- (4) Council District 4 shall comprise all that portion of the City beginning at the intersection of Ardmore Ave. and the City's southern border, thence proceeding northerly along Ardmore Ave. to Flower St.; thence proceeding westerly along Flower St. to Clark Ave.; thence proceeding southerly along Clark Ave. to Walnut St.; thence proceeding westerly along Walnut St. to the City border; thence proceeding counter-clockwise along the City border to the point of beginning.
 - (5) Council District 5 shall comprise all that portion of the City beginning at the intersection of Highway 91 and the City's eastern border, thence proceeding westerly along Highway 91 to the Bellflower Bike Trail; thence proceeding northwesterly along the Bellflower Bike Trail to Cornuta Ave.; thence proceeding northerly along Cornuta Ave. to the north edge of parcel APN 7109003051 (16331 Cornuta Ave.); thence proceeding westerly along the north edge of parcel APN 7109003051 and parcel APN 7109003013 (16326 Eucalyptus Ave.) to Eucalyptus Ave.; thence proceeding northerly along Eucalyptus Ave. to Alondra Blvd.; thence proceeding westerly along Alondra Blvd. to Bellflower Blvd.; thence proceeding southerly along Bellflower Blvd. to Flower St.; thence proceeding westerly along Flower St. to Ardmore Ave.; thence proceeding southerly along Ardmore Ave. to the City border; thence proceeding counter-clockwise along the City border to the point of beginning.
- B. The Council districts specified in subdivision (A) shall continue in effect until they are repealed or amended by the voters or until they are adjusted pursuant to California Elections Code sections 21600-21606, any successor statute thereto, or any other provision of State law authorizing the City Council to amend the districts without a vote of the people.

Section 2.28.040. Election Schedule.

Council Members shall be elected in Council Districts 1, 3, and 5 beginning at the general municipal election in 2019 (or November 2018, if the City's elections are allowed by the County of Los Angeles or required by State law to be consolidated with the statewide election) and every four years thereafter. Council Members shall be elected from Council Districts 2 and 4 beginning at the general municipal election in 2021 (or November 2020, if the City's elections are allowed by the County of Los Angeles or required by State law to be consolidated with the statewide election) and every four years thereafter.

SECTION 2. Implementation.

A map showing the districts described in the Ordinance codified in this chapter is attached hereto as Exhibit 1 and incorporated by this reference. To the extent there is a conflict between the descriptions contained in said Ordinance codified in this chapter and the map incorporated herein, the map shall prevail.

If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 3. Effective Date.

Upon a majority of the voters voting in favor of this Ordinance, it shall be considered as adopted upon the date the vote is declared by the City Council and shall go into effect ten (10) days after that date.

SECTION 4. Inconsistencies.

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 5. Interpretation.

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 6. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Bellflower hereby declare they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. Posting.

The City Clerk is directed to cause a copy of this Ordinance to be posted as required by law.

SECTION 8. Execution.

The Mayor is hereby authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

I HEREBY CERTIFY MEASURE ___ (ORDINANCE NO. 1302) WAS PASSED, APPROVED, AND ADOPTED BY A VOTE OF THE PEOPLE OF THE CITY OF BELLFLOWER ON NOVEMBER 8, 2016.

Mayor

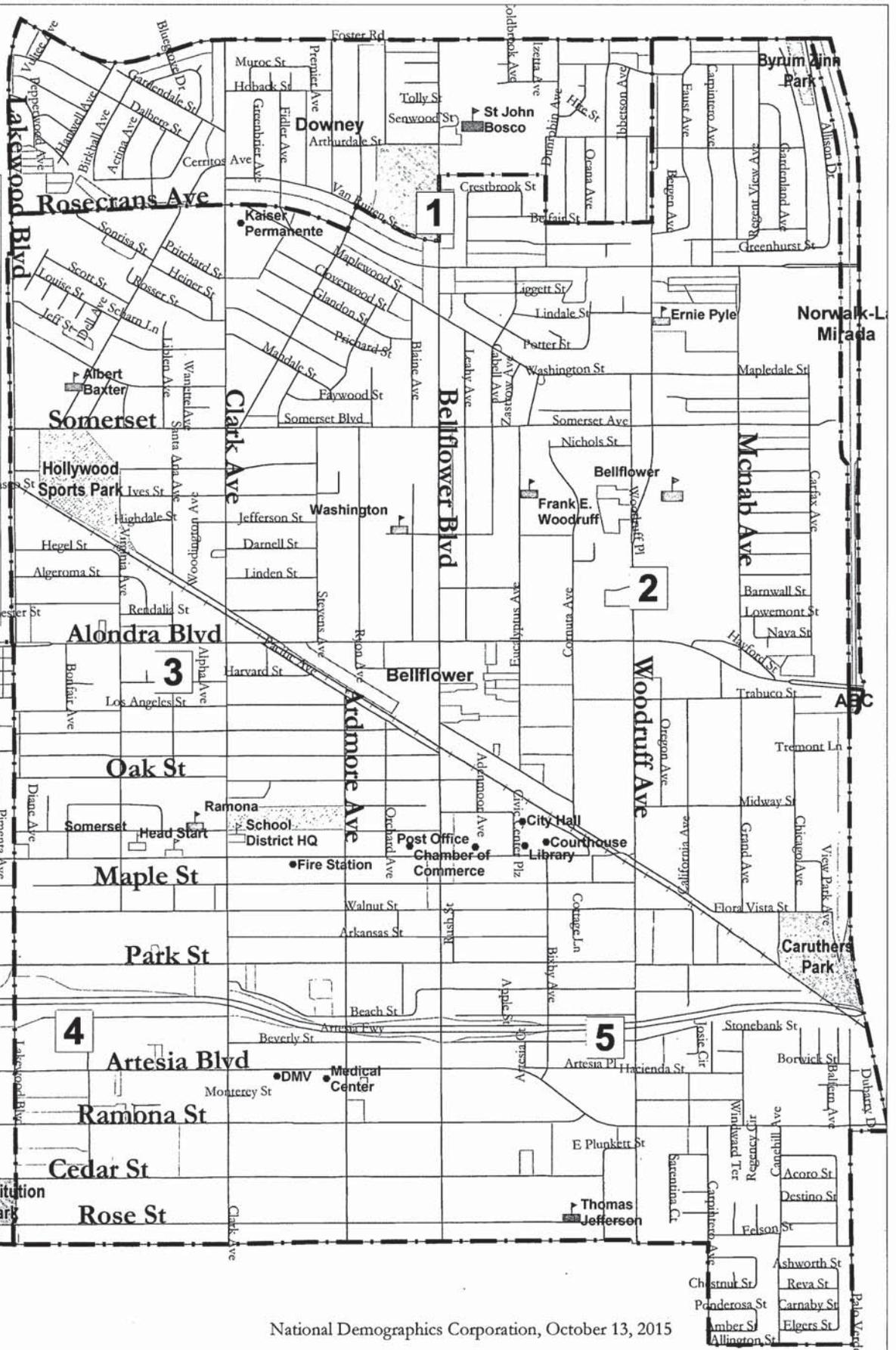
Attest:

City Clerk

Exhibit 1: Map of Proposed Electoral Districts

Proposed Districts

- Map layers**
- Proposed Plan
 - Census Block
 - Streets
 - Streets no alleys
 - Railroad
 - River
 - Pipeline/Power Line
 - Unif School
 - Landmark Point
 - Landmark Area
 - 2015 school location
 - School Grades**
 - Elementary (6)
 - High (2)
 - Mid/High (1)
 - Other (3)



Full Text of Ballot Measure – Measure W

Exhibit B

(immediately following this page)

**EXHIBIT A
FULL TEXT OF THE BALLOT MEASURE**

**A PROPOSITION TO SELL THE BELLFLOWER MUNICIPAL WATER
SYSTEM TO CALIFORNIA-AMERICAN WATER COMPANY IN
ACCORDANCE WITH PUBLIC UTILITIES CODE § 10061**

Pursuant to Public Utilities Code § 10061, the Bellflower City Council proposes to sell the Bellflower Municipal Water System ("MWS") to:

California-American Water Company ("Company")

This proposition is based upon the written proposal submitted by Company on June 7, 2016, that the City Council considered at a public hearing held on July 25, 2016.

Following the public hearing on July 25, 2016, the City Council finds that Company is best qualified to continue to provide equal or better water service to MWS customers on just and reasonable terms that do not discriminate against MWS customers. This finding is based upon the entirety of the administrative record including, without limitation, the following:

1. Company agrees that it will not raise water rates for existing MWS customers for a period from transaction close through December 31, 2020;
2. Company will provide equal or better customer service than the City and its contractor currently provides through the MWS;
3. Upon voter approval and close of transaction, Company will provide annual Capital Improvement Plan ("CIP") to City for purposes of coordination and general community knowledge of water operations; and
4. Company will work with Bellflower Somerset Mutual Water Company before, during, and after the transaction to ensure the highest quality water delivery services to customers of the MWS.

Selling the MWS is also in the public interest as it will provide revenue to fund important public projects without the need for additional taxes or financing. Specifically, Company will purchase the MWS for \$17,000,000.00, subject to approval by the California Public Utilities Commission. The City Council anticipates that, after paying for all debt associated with the MWS, it will be able to utilize approximately \$8,800,000.00 to fund various public projects.

Accordingly, the City Council orders that the issue regarding sale of the MWS be submitted to the City of Bellflower's qualified voters at the previously called November 8, 2016, Special Municipal Election.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF BELLFLOWER)

I, **Mayra Ochiqi**, City Clerk of the City of Bellflower, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 16-47 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Special Meeting of July 25, 2016, by the following vote to wit:

AYES: Council Members – Garza, Santa Ines, Schnablegger, Dunton,
and Mayor Koops

Dated: July 26, 2016



Mayra Ochiqi, City Clerk
City of Bellflower

**Official Certificate of the Canvass
of the Election Returns**

and

Official Statement of Votes Cast

Exhibit C

The City of Bellflower

Families. Businesses. Futures.

16600 Civic Center Drive, Bellflower, CA 90706

Tel 562.804.1424 Fax 562.925.8660 www.bellflower.org



CERTIFICATION OF ELECTION RESULTS

DECLARATION OF ELECTION OFFICIAL

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } §
CITY OF BELLFLOWER }

I, **Mayra Ochiqi**, City Clerk of the City of Bellflower, California, do certify that the attached Certificate of the Canvass of the Election Returns of the Los Angeles County Registrar-Recorder/County Clerk is a true and correct canvass of the Votes Cast for and against Measure "D" and Measure "W" for the City of Bellflower Special Municipal Election held on November 8, 2016.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of the City of Bellflower, California, this 8th day of December, 2016.

Mayra Ochiqi
City Clerk
City of Bellflower

> Dan Koops
Mayor

Ron Schnablegger
Mayor Pro Tem

Ray Dunton
Council Member

Juan Garza
Council Member

Sonny R. Santa Ines
Council Member

Los Angeles County
Registrar-Recorder/County Clerk

Certificate of the Canvass of the Election Returns

I, DEAN C. LOGAN, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) for

Bellflower City

at the General Election, held on the 8th day of November 2016.

I FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and that the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 2nd day of December 2016.



Dean C. Logan
DEAN C. LOGAN
Registrar-Recorder/County Clerk
County of Los Angeles

